

In re Patent Application of:
ROY
Serial No. **10/777,871**
Filing Date: **February 12, 2004**

REMARKS

The Examiner is thanked for the thorough examination of the present application. The Examiner is also thanked for properly withdrawing the prior rejection over Fenton et al. The Examiner's provisional double patenting rejection has been overcome by a terminal disclaimer, which is being filed concurrently herewith. A replacement Figure 18 has been filed to address a minor informality. Paragraph 0135 of the specification has been amended to replace attorney docket numbers with their respective application numbers. Independent Claim 29 has been amended, as noted below, to overcome the §112 rejection. Independent Claims 1, 12, 18, 24, and 29 have been amended to further define over the prior art. Support for this amendment is found in paragraphs 0124-0130 of Applicant's specification. No new matter has been added. The patentability of the claims is discussed below.

I. The Claimed Invention

The present invention, as recited in amended independent Claim 1, for example, is directed to a communications system that includes a plurality of mobile wireless communications devices each comprising a respective software client using at least one of a plurality of different operating protocols as configuration commands and instructions for accessing electronic mail and data systems to send at least one access request. The communications system includes a plurality of data storage devices for storing data files, each data file

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being associated with a respective mobile wireless communications device, each data file having a unique identification (UID) associated therewith, and each data storage device using at least one of the plurality of different operating protocols. The communication system also includes a protocol interface device including a protocol converter module for communicating with the plurality of mobile wireless communications devices using respective operating protocols thereof, and a protocol engine module for communicating with the plurality of data storage devices using respective operating protocols thereof. The protocol engine module is also for initiating polling of the data storage devices for UIDs of data files stored thereon to maintain a new UID list current to within a polling interval. The protocol engine is also for cooperating with the protocol converter module to provide the new UID list to the mobile wireless communications devices upon receiving access requests therefrom, and initiating a supplemental polling based upon receiving the access requests to supplement the new UID list and provide the supplemented new UID list to the mobile wireless communications devices software client if new messages were determined during the supplemental polling.

Independent Claim 1 has been amended to recite that the protocol engine module is for initiating polling of the data storage devices for UIDs of data files stored thereon to maintain a new UID list current to within a polling interval, and for cooperating with the protocol converter module to provide the new UID list to the mobile wireless communications devices upon

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receiving access requests therefrom, and initiating a supplemental polling based upon receiving the access requests to supplement the new UID list and provide the supplemented new UID list to the mobile wireless communications devices if new messages were determined during the supplemental polling.

Amended independent Claims 12 and 18 are directed to related protocol interface devices. Moreover, amended independent Claim 24 is directed to a related method, and amended independent Claim 29 is directed to a related computer-readable medium. Claims 12, 18, 24, and 29 have been amended similar to amended independent Claim 1.

II. The Claims Are Patentable

A. The §112 Rejection

The Examiner rejected independent Claim 29 for failing to comply with the enablement requirement. More particularly, the Examiner contends that a computer-readable medium is not supported by the specification. Independent Claim 29 has been amended to remove the phrase "on a tangible embodiment" as helpfully suggested by the Examiner. Applicant has not defined a computer-readable medium as a carrier wave, signals, or other non-statutory medium. Accordingly, the generic term of computer-readable medium is acceptable, and the §112 rejection should be withdrawn.

B. The §102 Rejection

The Examiner rejected independent Claims 1, 12, 18, 24, and 29 over Horstmann et al. (U.S Patent No. 6,779,022).

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Horstmann et al. is directed to a communications server that collects messages from two or more email sources and presents them to a user from a single location. The messages may be forwarded to a mobile device and formatted for that receiving device.

The Examiner contended that Col. 6, lines 24-30 of Horstmann et al. disclose a protocol interface device as recited in independent Claims 1, 12, 18, 24, and 29. Applicant respectfully submits the Examiner mischaracterized Horstmann et al., as Horstmann et al. discloses a communications server 105 that polls the email servers either by a user initiated or at a given interval. Message UIDs from the email servers are compared to the UIDs in the database 230 of the communications server 105. (See Horstmann et al. Col. 6, lines 24-45). The message may be forwarded to a mobile device whereby dispatcher 154 first attempts to contact the specified mobile phone using a Short Messaging Service (SMS) protocol. The dispatcher 154 sends an SMS to the mobile device. If the mobile device is available, the message is reformatted as necessary and sent to the mobile device. (See Horstmann et al. Col. 9, lines 38-60).

Nowhere does Horstmann et al. disclose maintaining a new UID list current to within a polling interval, cooperating with the protocol converter module to provide the new UID list to said mobile wireless communications devices upon receiving access requests therefrom, and initiating a supplemental polling based upon receiving the access requests to supplement the new UID list. Still further, nowhere does Horstmann et al. provide the

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supplemented new UID list to the mobile wireless communications devices if new messages were determined during the supplemental polling, as recited in the amended independent claims, for example. Instead, Horstmann et al. discloses polling for new messages and then providing an SMS message followed by the reformatted message, if the mobile device is available. (See Horstmann et al. Col. 6, lines 24-45, and Col. 9, lines 38-60).

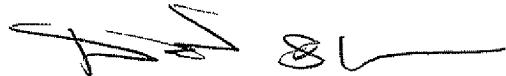
Accordingly, it is submitted that amended independent Claims 1, 12, 18, 23, and 29 are patentable over the prior art. Their respective dependent claims, which recite yet further distinguishing features, are also patentable over the prior art and require no further discussion herein.

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CONCLUSION

In view of the arguments and amendments presented above, it is submitted that all of the claims are patentable. Accordingly, a Notice of Allowance is respectfully requested in due course. Should any minor informalities need to be addressed, the Examiner is encouraged to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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